

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ATO WILLIAMS,

Plaintiff,

v.

CINTAS SERVICES CORPORATE  
SERVICES, INC., et al.,

Defendants.

Case No. [4:17-cv-01623-JSW](#) (KAW)

**ORDER TERMINATING 4/20/18 JOINT  
DISCOVERY LETTER**

Re: Dkt. No. 28

On April 20, 2018, the parties filed a joint discovery letter concerning Plaintiff's request for the production of contact information for all putative class members. (Joint Letter, Dkt. No. 28 at 1.) The parties, however, declined to address the proportionality requirement in Rule 26, as there is no indication of the number of putative class members across the 90 California locations. (*See* Joint Letter at 5.) As a result, the undersigned is unable to determine whether the production of the information sought is proportional to the needs of the case or if another method, such as sampling, would be more appropriate than producing the contact information for all putative class members.

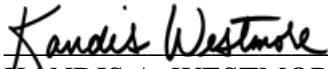
Accordingly, the joint letter is TERMINATED and the parties are ordered to further meet and confer in an attempt to resolve the dispute without further court intervention. Should the parties be unable to resolve the dispute informally, they shall file a joint letter that complies with the undersigned's standing order. (*See* Judge Westmore's Standing Order ¶¶ 12-13.)

Notwithstanding, to assist the parties in their meet and confer efforts, the Court is not persuaded by Defendant's argument that discovery should be limited to those employees who worked in the same two positions and single location as Plaintiff. (*See* Joint Letter at 6-8.) Indeed, "[a]lthough a party seeking class certification is not always entitled to discovery on the class

1 certification issue, the propriety of a class action cannot be determined in some cases without  
2 discovery.” *Vinole v. Countrywide Home Loans, Inc.*, 571 F.3d 935, 942 (9th Cir. 2009). As  
3 Defendant recognizes, district courts have broad discretion to control the class certification  
4 process. *Id.* at 942.

5 IT IS SO ORDERED.

6 Dated: May 11, 2018

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8 KANDIS A. WESTMORE  
9 United States Magistrate Judge  
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